

Stormwater Stakeholders Meeting

Augusta Civic Center
September 5, 2003
9:00 a.m. - 12:00 noon

Meeting Summary

Introductions - Name and affiliation

Perspective from DEP Commissioner Dawn Gallagher

Commissioner Gallagher stated that DEP needs to be assuring compliance with the Clean Water Act. She encouraged the group to think outside the box when trying to resolve the stormwater issues. The group should try to look at cost/benefit ratio when discussing possible solutions. Commissioner Gallagher also extended her appreciation to all of the participants for their willingness to participate in the stakeholder process.

Summary of Technical Sub-Group meeting - Don Witherill

Don summarized the discussion that had taken place at the technical sub-group meeting on August 21st (link to meeting summary is posted on DEP's web site) .

Overview of meeting agenda – Ann Gosline

Check-in on list of categories from brainstorming session – Ann Gosline

The list of ideas from the brainstorming session at the last meeting were categorized by DEP staff into the following categories:

- Mitigation
- Local or Regional Actions
- Encouraging Innovation
- Addressing a full range of sources through law or rule
- Tailor standards for special areas
- Other law changes
- State as leader
- Other

A list of the categories above with the brainstorming ideas fit into one of the categories was distributed. Ann asked to group to review the list and determine if there were others items that should be added under any of the categories.

The following are suggested additions:

Under the “Addressing a full range of sources through law or rule” category – Modify law to include existing sources, not only new development

Under “Other law changes” – Tax reduction (incentives) related to stormwater mitigation

Under “Tailor standards for special areas” – Relax other environmental laws/standards to allow for areas of treatment (e.g., use of low value wetlands for stormwater treatment)

Discussion of each brainstorming category (Pros, Cons, Challenges)

Mitigation

Credits for off-site improvements- Pros

- You can already get credit for off-site removal.
- Allows for development of a site when it might otherwise be impossible.
- May eliminate pollutant loads.
- Less burden on DEP or a local entity, since applicant must find something to fix.
- Could create multi-purpose sites with treatment systems also providing a recreational area; would encourage everyone who uses it to be a maintenance enforcer)

Credits for off-site improvements- Cons/Challenges

- Off-site treatment could create maintenance problems; watershed districts or local conservation groups could provide oversee maintenance, if willing.
- May be difficult for developer to find suitable off-site opportunity.
- What about the impact of open detention ponds on wildlife?
- Smaller watersheds may not have a lot of problems to mitigate.
- Cost effectiveness?
- Would cost more for a developer to do off-site improvements than to have a fund and have the state do the work (developers would identify a problem and pay to have it mitigated).
- A list of existing problems with priorities would need to be created and maintained.
- Defining existing development could be a challenge.

Compensation Funds (Fees)- Pros

- There needs to be community involvement. Conservation groups/commissions may already know what watershed problems need to be addressed.

Compensation Funds (Fees)- Cons/Challenges

- Administration of the fund could be a challenge. What rate should be charged to applicants?
- Projects may provide only a temporary fix to a permanent problem; e.g., fixing an erosion site will reduce pollutant loading initially, but if site eventually begins to erode again, the benefit will drop off, while at the same time the discharge from the development will remain.
- Could there be a range of fees?
- Could funds be used for program administration?

- Are there enough projects in a watershed to make a fee program work?
- Can fees be used for watershed assessment/study?
- Compensation for those who come forward with problems?
- Tax credits for retrofits?

Credits for Densification & Low Impact Development - Pros

- Incentives for developing in urban areas
- Lower compensation fees, lower standards.
- Could link credit amount to growth areas

Credits for Densification & Low Impact Development – Cons

- This approach does not reconcile the issue of how to fix impaired waters that are in urban locations.

Mitigation Bank - Pros

- Someone does mitigation and gets credits. Credits could then be sold to developers – a private sector solution to the mitigation issue.

Mitigation Bank - Cons/Challenges

- investors are not likely to take the risk of putting up the money up front without knowing if and when they will get a return. This has been the case with wetlands where this approach has been explored.
- Administrative burden to keep track of banks over the long term.

Local or Regional Actions

Watershed Districts/Stormwater Utility Districts

Existing state law, Title 38, Chapter 23, enables the formation of watershed districts. Title 38, Chapter 11, enables the formation of Sanitary Districts. Either of these existing laws could be changed/amended to enable the formation of stormwater utility districts.

Watershed Districts/Stormwater Utility Districts - Pros

- Fees could be calculated based on use – provides opportunity to raise funds to fix problems.
- Municipalities could save money by working together.
- Stormwater needs to be looked at as part of a larger infrastructure problem.
- Could be an incentive to communities to save money.

Watershed Districts/Stormwater Utility Districts – Cons/Challenges

- If mandated by State, would face strong opposition at local level.
- Need to do a lot of outreach to convince residents of benefits
- Would be seen as a new tax.
- Assistance needed to help communities with start-up costs.